INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

CERD

Distr.
GENERAL

CERD/C/148/Add.4
3 November 1987

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eighth periodic reports of States Parties due in 1986

Addendum

CHILE */

[29 June 1987]

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*/ For previous reports submitted by the Government of Chile and for the summary records of meetings of the Committee during which these reports were examined, see:

Initial report - CERD/C/R.33/Add.5 (CERD/C/SR.153);
Second periodic report - CERD/C/R.65/Add.4 and Add.5 (CERD/C/SR.253 and SR.255-257);
Third periodic report - CERD/C/R.88/Add.5 and Add.7 (CERD/C/SR.317-320, 336 and 338);
Fourth periodic report - CERD/C/18/Add.2 and Add.5 (CERD/C/SR.424-425);
Fifth periodic report - CERD/C/65/Add.3 (CERD/C/SR.515-516);
Sixth periodic report - CERD/C/90/Add.4 and Corr.1 (CERD/C/SR.614);
Seventh periodic report - CERD/C/117/Add.3 (CERD/C/SR.735).

GE.87-17733/1874G

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INTRODUCTION

1. The elimination of all forms of racial discrimination in all parts of the world is one of the most important objectives of the Government of Chile. This objective is part of an egalitarian tradition that dates back as far as the earliest days of the Chilean nation.

2. Although there is no racial discrimination in Chile, the Government is fully convinced that the international legal system has to be strengthened in order to remove racial discrimination from the face of the earth. In accordance with these values, the International Convention on the Elimination of All Forms of Racial Discrimination was ratified over three decades ago. Other conventions on non-discrimination in labour and education were ratified for the same reason. Since then, Chile has continued to maintain its position of support for the basic provisions and the procedures laid down by the Convention.

3. In submitting its eighth report, the Government of Chile once again wishes to reaffirm its commitment to the values embodied in the Convention, as well as its recognition of and confidence in the dialogue it is ready to maintain with the Committee on the Elimination of Racial Discrimination. The Committee may rest assured that the Government of Chile will continue to co-operate constructively with it, in accordance with the terms of the Convention and with Chile's long-standing support and respect for international commitments.

PART I - GENERAL

A. Policies and legal provisions for the elimination of racial discrimination

4. In Chile, there is no racial discrimination and, throughout the history of the nation, the entitlement of all inhabitants to fundamental human rights has been fully recognized.

5. Article 1 of the Political Constitution of the Republic peremptorily and categorically states that "Men are born free and equal in dignity and rights", while article 5 provides that "The exercise of sovereignty recognizes as a limitation respect for the essential rights originating from human nature". These principles serve as the basis for the definition of Chile's national policies and for its international position and are obviously the cornerstone of its legal system.

6. In this connection, attention is drawn to the way in which the Political Constitution of the Republic gives effect to fundamental human rights. Article 19 reads as follows:

"Article 19. The Constitution ensures for all individuals:

1. The right to life and integrity of person.

The application of any unlawful coercion is prohibited.

2. Equality before the law. In Chile there are no privileged individuals or groups. In Chile there are no slaves and those who enter its territory shall be free.

Neither the law nor the authorities may establish arbitrary distinctions.

3. Equal protection of the law in the exercise of their rights.

No one shall be tried by special commissions, but only by the tribunal assigned to the person concerned by law and pre-established by law.

4. Respect for and protection of the private life and honour of the individual and his family.

5. The inviolability of the home and all forms of private communication. Homes may be entered and private communications and documents intercepted, opened or recorded only in the cases and according to the formalities prescribed by law.

6. Freedom of conscience, the manifestation of all beliefs and the free exercise of all religions that are not contrary to moral standards or public order.

The various religious faiths may build and maintain places of worship and their appurtenances provided they meet the safety and health conditions prescribed by law.

With regard to property, churches, religious groups and religious institutions of any faith shall enjoy the rights granted and recognized by the laws at present in force. Places of worship and their appurtenances designed exclusively for religious activities shall be exempt from taxes of all kinds.

7. The right to personal liberty and security of person. Consequently:

(a) Every person shall have the right to reside in and remain at any place in the Republic, the right of movement from place to place and the right to enter and leave the territory of the Republic, subject to observance of the rules established by law and saving any prejudice to other persons;

(b) No one shall be deprived of or restricted in his personal liberty, except in the cases and in the manner laid down by the Constitution and the laws;

(c) No one shall be arrested or detained except by order of a public officer expressly empowered thereto by law and after the person concerned has been notified of such order in due legal form. However, a person taken in flagrante delicto may be detained solely for the purpose of placing him at the disposal of the competent judge within the following 24 hours;

If the authorities cause any person to be arrested or detained, they shall, within the following 48 hours, notify the competent judge and place the person concerned at his disposal. The judge may, by an order stating the reasons, extend that time-limit to 5 days and to 10 days in cases where the acts under investigation are described by law as terrorist acts.

(d) No one shall be arrested or detained or held in custody or committed to prison pending trial, except in his home or in public places intended for that purpose.

The prison authorities shall not admit anyone to prison as an arrested or detained person or a person committed pending trial without recording the order for his admission, issued by the legally empowered authority, in a register which shall be public.

The fact that a person arrested, detained or committed to prison pending trial is being held incommunicado shall not prevent the officer in charge of the house of detention from visiting him. The said officer shall be required, whenever so requested by the arrested or detained person, to transmit to the competent judge a copy of the detention order or to demand that a copy thereof should be given to him or to give him a certificate evidencing that the person in question is under detention, if at the time of his detention this requirement was not complied with.

(e) Release on bail shall be granted unless detention or custody pending trial is considered by the judge to be necessary for the purpose of the preliminary investigation or for the safety of the victim of the offence or of society. The requirements and procedures for obtaining release on bail shall be established by law.

(f) In criminal cases, the accused shall not be obliged to testify under oath concerning his own act; his ascendants, his descendants, his spouse and such other persons as may, according to the case and the circumstances, be specified by law shall also not be obliged to testify against him.

(g) Without prejudice to the right of seizure in the cases specified by law, the penalty of confiscation of property shall not be imposed; however, such penalty may be imposed in the case of unlawful associations.

(h) Loss of rights to social security benefits may not be imposed as a penalty.

(i) In cases where proceedings have been dismissed or an acquittal has been pronounced, a person who has been tried or convicted in any court as a result of a judicial decision which the Supreme Court declares to have been unjustifiably in error or arbitrary shall be entitled to compensation from the State for any material and moral damage suffered by him. The amount of compensation shall be judicially determined in brief summary proceedings at which the evidence shall be appraised on the basis of equity.

8. The right to live in a pollution-free environment.

9. The right to health protection.

10. The right to education.

The objective of education is the full development of the individual at the various stages of his life.

Parents shall have the prior right and the duty to educate their children. The State shall provide special protection for the exercise of this right.

Primary education shall be compulsory and the State shall finance a free primary education system designed to ensure that the entire population has access to it.

11. Freedom of education shall include the right to establish, organize and maintain educational establishments.

Freedom of education shall not be subject to any restrictions other than those imposed by established moral standards, accepted customs, public order and national security.

Officially recognized educational institutions may not engage in propaganda for any political party.

Parents shall have the right to choose the educational establishment for their children.

12. Freedom to express opinions and freedom to disseminate information without prior censorship, in any form and by any medium, without prejudice to the responsibility incurred for offences and abuses committed in the exercise of these freedoms as defined by the law, which must be a law adopted by an absolute majority of all deputies.

The law may not in any case establish a State monopoly over the mass communication media.

Any natural or legal person referred to in an offensive or unjustified manner by any communication medium shall be entitled to have his or its own statement or rectification disseminated free of charge, under the conditions determined by the law, by the communication medium which issued the unfair or unjustified information.

Any natural or legal person shall be entitled to found, publish and maintain newspapers, journals and periodicals under the conditions specified by law.

The State, as well as universities and other persons or entities specified by law, may establish, operate and maintain television stations.

A National and Radio Television Council shall be established, as an autonomous body with legal personality, to supervise the proper functioning of these communications media. A law adopted by an absolute majority of all deputies shall define the organization and functions and powers of the above-mentioned Council.

The law shall establish a system of censorship for the exhibition and advertising of cinematographic films and also general rules governing the public manifestation of other artistic activities.

13. The right to meet peacefully and unarmed, without prior authorization.

Meetings in squares, streets and other public places shall be governed by the general police regulations;

14. The right to petition the authorities on any matter of public or private interest, subject only to the requirement of doing so in respectful and appropriate terms.

15. The right to form associations without prior authorization.

In order to have legal personality, associations must be constituted in conformity with the law.

No one may be obliged to belong to an association.

Associations contrary to established moral standards, public order and State security shall be prohibited.

Political parties may not intervene in activities extraneous to their own functions, nor may they have any privilege or monopoly of citizen participation; their records and accounts shall be public; they

shall not be financed from funds, property, donations, contributions or credits of foreign origin; their statutes shall contain rules to ensure effective internal democracy. A constitutional organic law shall regulate other matters relating to political parties and shall prescribe the penalties to be imposed for failure to comply with its provisions. Such penalties may include dissolution of the party. Associations, movements, organizations or groups of persons which engage in or undertake activities proper to political parties without conforming to the above-mentioned rules shall be deemed to be illegal and shall be punished in accordance with the above-mentioned constitutional organic law.

16. Freedom to work and protection of that freedom.

Every person shall have the right freely to seek and freely to choose employment with a fair remuneration.

Any discrimination which is not based on personal competence or suitability shall be prohibited, save that the law may in specific cases require Chilean nationality or prescribe age limits.

17. Admission to all public offices and employment without any requirements other than those imposed by the Constitution and the law.

18. The right to social security.

19. The right to form trade unions in the cases and in the manner specified by law. The decision to join a trade union shall always be voluntary.

Trade union organizations shall acquire legal personality by the mere fact of registering their statutes and articles of association in the manner and under the conditions specified by law.

The law shall establish machinery for ensuring the autonomy of these organizations. Trade union organizations and their leaders may not take part in political party activities.

20. Equitable taxation, in proportion to income or in the progression or form established by law; and equitable distribution of other public charges.

The law may in no case establish manifestly disproportionate or unfair taxes.

Any tax collected, whatever its nature, shall be deposited in the Nation's treasury and may not be used for a special purpose.

21. The right to engage in any economic activity which is not contrary to moral standards, public order or national security, in accordance with the legal rules governing such activity.

22. No arbitrary discrimination in economic affairs by the State and State bodies.

Special direct or indirect benefits may be authorized in favour of, and special taxes may be levied on, a particular sector, activity or geographical area only pursuant to a law, provided that no arbitrary discrimination is involved. Estimates of any tax exemptions or indirect benefits shall be included in the annual budget.

23. Freedom to acquire possessions of all kinds, except property which by nature is common to all mankind or which should belong to the entire nation and is in fact declared by the law to belong to it. The foregoing provision shall be without prejudice to the provisions of other articles of this Constitution.

A law adopted by an absolute majority of all deputies may, when the national interest so requires, establish limitations or requirements for the acquisition of certain property.

24. The various aspects of the right to ownership of all kinds of corporeal and incorporeal property.

Only the law may establish the manner of acquiring property and of using, enjoying and disposing of it, and also the limitations and obligations deriving from its social function. In so far as the general interest of the nation so requires, these will be based on considerations of national security, public expediency, public health and the conservation of the environment.

25. The right of the author to his intellectual creations of any type, for the period prescribed by law, which shall not be shorter than the life of the person concerned.

26. The assurance that the legal rules which, under the authority of the Constitution, give effect to or supplement the guarantees provided for in the Constitution or limit them in cases where the Constitution so allows shall not impair the essence of any rights or establish conditions, impositions or requirements hampering the full exercise of such rights."

7. All these constitutional provisions may be directly invoked by individuals who consider that their rights have been threatened. To this end and, as will be seen below, the Constitution provides for the remedy of protection, which, together with the traditional remedy of amparo (habeas corpus), establishes procedural machinery for the restoration of the rule of law in cases where it is threatened.

8. In historical and social terms, racial discrimination is not a problem in Chile. Although the country is composed of a wide variety of regions, the population is extremely homogenous, both racially and socially. It should, however, not be thought that this is the main reason why there is no racial discrimination in Chile. In fact, the basis for Chile's attitude of non-discrimination is found in the national character itself, which indignantly rejects any violation of the principle of equality in human dignity.

B. Incorporation of the Convention in internal law

9. Unlike some legal systems, Chilean law does not recognize the principle that an international treaty is given internal effect only when it is executed or incorporated by means of an act or regulation. In Chile, any treaty that has been approved, ratified and promulgated has the force of law and, as such, becomes part of legal life without any need for other steps or formalities. Treaties are thus binding on all Government agencies, including, of course, the Judiciary. The actions and remedies provided for by the legal system in general are applicable in respect of treaties.

10. This is the case of the International Convention on the Elimination of All Forms of Racial Discrimination, which was promulgated under Decree No. 732 of 19 October 1971 and published in full in the Diario Oficial. This Decree requires that the Convention as a whole should be fully complied with and put into effect as a law of the Republic. Its provisions may therefore be invoked in the courts and before the administrative authorities with no need for any further legislation or regulation.

C. Demographic composition of the population

11. It is difficult to obtain accurate information on the demographic composition of the population of Chile. As a reference figure, however, it may be indicated that, according to the results of the latest census, which was conducted by the National Statistical Institute in 1982, there were 150,178 indigenous persons in the reserves in southern Chile.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

A. Elimination and condemnation of racial discrimination

12. As categorically stated in the general part of this report, there is no racial discrimination in Chile, which condemns any manifestations thereof, wherever they may occur. In legal terms, the principle of non-discrimination is regarded as being of such great importance that it is embodied in article 1, paragraph 1, of the Political Constitution and is included as a constitutional guarantee for which prompt and effective judicial remedies are available (with regard to substantive constitutional provisions, see para. 6 above; with regard to procedural remedies, see paras. 53 and 55 below).

13. In Chile, there are no legal rules which have the effect of creating racial discrimination. Since the principle of equality is enshrined in the Constitution, which is the highest-ranking rule of law, no discriminatory laws or regulations may be enacted. The constitutionality of bills is determined by the Constitutional Court. An action of unconstitutionality may be filed in the Supreme Court against enacted laws and the lawfulness of regulations and other acts by the Administration is monitored by the Office of the Controller General of the Republic.

B. Special measures on behalf of indigenous populations

14. The Government's policy in favour of the indigenous populations which live in the territory of the Republic and, in particular, in the Tenth Region, known as the Araucanía Region, is intended primarily to promote their full participation in national life and to protect their cultural values.

15. With a view to the achievement of this objective, action by the Government takes the form of legal rules and institutional support, which also apply to the other indigenous communities that live in the same socio-economic conditions of relative backwardness as the Mapuche sector.

1. Rationalization and strengthening of land ownership through the granting of individual property titles

16. Since the earliest days of the Republic, laws for the protection of indigenous populations have been enacted in an effort to reconcile the need to promote the integration of indigenous populations into the Chilean nation and the need to preserve indigenous culture.

17. Over the years, there have been changes in such legislation and at present, Act No. 17,729 of 26 September 1972 is in force. It provides for the protection of indigenous populations in relation to land ownership, use, enjoyment, disposal, claims and transfers and for the cultural, educational and economic development of the indigenous communities.

18. Decree-Law No. 2568 of 28 March 1979 later introduced some important amendments providing for the establishment of speedy, voluntary and free procedures. On the basis of such amendments, 53,000 titles of ownership were granted in September 1986.

2. Free legal assistance

19. It should be noted that the Farming Development Institute (INDAP) gives the indigenous communities free legal assistance and, in accordance with the law, conducts important inquiries at the request of the courts.

20. The defence counsels appointed by the Executive Vice President of the Farming Development Institute (INDAP) are responsible for the defence and free legal representation of the indigenous populations in matters relating to the division of the reserves and the liquidation of the indigenous communities; the management, development, use and enjoyment of indigenous land; and in claims or recovery proceedings in which indigenous persons are involved either as plaintiffs or as defendants.

21. INDAP is also responsible for providing the courts in which the above-mentioned cases are tried with important technical and legal reports without charge and for dealing with notaries and registrars. Its officials are authenticating officers for the notification of court decisions.

22. It is unnecessary to list all the possibilities for participation by INDAP in the legal proceedings provided for in Act No. 17,729 and the amendments thereto. The above-mentioned activities are enough to show what valuable work it is doing with a view to the achievement of the objectives defined in the Act for the direct benefit of the indigenous populations.

3. Rural health care

23. There are 144 rural dispensaries located in Mapuche sectors. They are staffed by rural health workers, 52 of whom (34 per cent) are of Mapuche descent.

4. Rural drinking water programme

24. Under a IDB/SENDOS programme in the Tenth Region, drinking water supplies have been made available in 40 villages, mostly for the benefit of remote Mapuche areas, where 26,850 persons now have direct drinking water supplies in their houses. In 1986, the fourth stage was initiated for the benefit of 8,300 persons in 15 more villages; it will be completed in 1989.

5. Education

25. See the comments in relation to article 7 below.

6. Training and agricultural development programmes

(a) Community agricultural development programme for small low-income farming sectors

26. Activities for the transfer of technology in the forestry and agricultural sectors are being carried out under this programme. It was

launched in August 1984 under an agreement between the regional government and the municipalities of the Tenth Region, which hire an agricultural expert who works under the technical supervision of the Regional Secretariat of the Ministry of Agriculture. The basic type of activity is carried out on demonstration plots using production systems based on technical standards recommended by experts in the light of the resources available in the sector in question. Such activity is educational in nature and is designed to train farmers and, through them, small farmers in surrounding areas.

(b) Other local comprehensive rural development programmes

27. One of the most important programmes is being financed by INDAP and executed by the Catholic University in the commune of Perquenco. It uses factors of production in which a comparative advantage exists and it is therefore effective and inexpensive. It involves the establishment of operational centres covering pre-determined areas and the assignment to them of a university-level technical expert specializing in farming and assistance, a health care expert to operate a dispensary and a primary education expert to run a rural school. This group co-ordinates its activities to provide comprehensive assistance by training, and transferring technology to families living near the operational centres.

(c) Productive programmes

28. An example is the sugar beet programme, which is receiving technical assistance from INDAP and is intended for over 1,000 Mapuche small farmers.

(d) INDAP technical assistance programmes

29. The purpose of these programmes is to educate farmers by the following means:

(a) Technical information: this programme is intended for farmers who are not taking part in the comprehensive technology transfer programme and who are beneficiaries of the loan assistance programme. From 1980 to 1984, the average number of beneficiaries was 4,183. On 31 July 1985, there were 1,951 beneficiaries;

(b) Comprehensive technology transfer: like the above-mentioned programme, this programme is subsidized mainly by private enterprises.

7. Loan assistance

30. There are two types of loans: short-term loans (CPI) and long-term loans for basic land equipment (EPB) and for comprehensive land development (DPI). The following table provides information in this regard:

Summary of loan assistance for the Mapuche sector a/

Year	Short-term		EPB		DPI	
	Sugar beet programme					
	Beneficiaries	Discounted amount	Beneficiaries	Discounted amount	Beneficiaries	Discounted amount
1980	-		126	16 320 404	29	16 231 208
1981	-		192	25 504 360	22	13 767 880
1982	1 376	162 794 139	98	6 384 448	4	985 442
1983	1 066	139 947 705	40	2 530 861	1	364 032
1984	742	122 879 151	49	2 785 654	-	-
1985	-	-	26	1 459 629	-	-

a/ Discounted amount in pesos as at 31 July 1985.

31. In the case of persons for whom there is no agricultural solution, there are also social maintenance loans, which are designed to provide temporary assistance to meet yearly land development requirements:

Year	Number of beneficiaries	Amount (pesos)
1980	6 352	90 239 589
1981	-	-
1982	-	-
1983	1 989	20 978 327
1984	1 140	14 295 703
1985	175	2 717 240

8. Participation

32. Supreme Decree No. 447 issued by the Ministry of the Interior on 2 May 1984 set up the Economic and Social Council for the purpose of increasing participation by intermediate organizations. This body is composed of representatives of business, labour and State organizations and of recognized experts. Its function is to advise the Executive, either at the Executive's request or on its own initiative. It also serves as a meeting place and social co-ordination body.

33. The representative of the Mapuche people, Mr. Efrain Nahuelpan N., President of the Villarica Mapuche Communal Council, has taken part in the work of the Economic and Social Council ever since its establishment. The Economic and Social Council has paid particular attention to studies of the status of the Mapuche people and has set up a special committee for this purpose.

Article 3

34. As already categorically stated, there is no racial discrimination in Chile. There are nevertheless peremptory legal norms relating to equality and non-discrimination (see paras. 5 and 6 above).

35. The legal and ethical principles on which the Chilean constitutional system is based are also reflected in Chile's foreign policy and in its international legal commitments. In this connection, it should be noted that Chile has acceded to many binding legal instruments which provide for racial non-discrimination and condemn any form of racism.

36. With regard to its foreign policy, Chile has always condemned racism, apartheid, the bantustan policy and discrimination in general. Chile's particular interest in this matter is reflected in its active participation, as a full Member, in the General Assembly of the United Nations, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and one of its sub-committees.

37. In 1986, Chile took part in the International Conference for the Immediate Independence of Namibia, at which it joined in the consensus and once again condemned the South African presence in Namibia and South Africa's destruction of Namibia's resources.

Article 4

38. Because of the constitutional framework described in the general part of this report, all propaganda and all organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and discrimination are contrary to the Chilean legal order.

39. The Government authorities and institutions cannot promote or incite to racial discrimination: "Neither the law or the authorities may establish arbitrary distinctions" (art. 19 of the Political Constitution of the Republic).

40. With a view to the implementation of article 4 of the Convention, a bill has been drawn up that is now under review and will be submitted for approval by the Legislature.

Article 5

41. The subject-matter of this article relates directly to what was stated in the general part of this report. Equality before the law and all other constitutional guarantees are ensured by the Constitution for all individuals without distinction of any kind, so that they protect and apply to all persons, regardless of the race or ethnic group to which they belong. It may thus be said that all the rights provided for in article 5 are fully guaranteed in Chile without any possibility of discrimination based on race.

42. The following three articles of the Civil Code embody egalitarian and non-discriminatory principles:

> "Article 55. All members of the human race are persons, regardless of age, sex, ancestry or status. They are classified as Chileans and as foreigners.
>
> Article 56. Persons declared as such by the Constitution of the State are Chileans. Other persons are foreigners.
>
> Article 57. The law does not recognize any differences between Chileans and foreigners in the acquisition and enjoyment of the civil rights covered by this Code."

43. Some comments which may help to explain and demonstrate that this is the case with regard to the rights referred to in article 5 are made below.

44. As to the right to equal treatment before the tribunals and all other organs administering justice, it will be recalled that the Farming Development Institute, which is described in the comments relating to article 2, paragraph 2, is doing important work by providing free legal assistance for indigenous communities.

45. In relation to the right to security of person and protection by the State against violence or bodily harm inflicted by government officials, it should be noted that the penalties provided for in the Penal Code and, in particular, in articles 255 to 259 are applicable in the case of offences against individuals, without prejudice to those provided for in the Administrative Statutes.

46. It should be pointed out that, in Chile, political rights are exercised without racial discrimination. The various ethnic groups participate on an equal footing with the rest of the population. The Mapuches, for example, now hold all types of offices in political life.

47. With regard to the possibility of being appointed to public office, whether elective or not, the provisions of the Constitution and the relevant laws apply to the indigenous communities without discrimination of any kind. They have equal access to public service. There are in fact, many Government employees of indigenous origin at various levels and in various Government bodies. They also hold posts at all levels of the Judiciary, including the posts of judges and magistrates.

48. Special reference should be made to access to public service in areas inhabited by indigenous peoples. In this case, a special point system is to be established for the indigenous populations in accordance with a regulation to be enacted by the President of the Republic (Act No. 17,729, art. 67).

49. The other civil rights, particularly those listed in article 5 (d) (i) to (ix) of the Convention, are covered by the constitutional guarantees referred to in the general part. It should nevertheless be noted that the provisions of the Civil Code relating to the marriage contract and the Civil

Marriage Act are based primarily on the free consent of the spouses and that, as far as the right to inherit is concerned, the relevant provisions of the Civil Code make no distinction based on race, colour or national or ethnic origin.

50. Economic, social and cultural rights, particularly those listed in article 5 (e) (i) to (vi) of the Convention, are fully guaranteed by the relevant articles of the Political Constitution referred to in the general part of this report and by the laws and administrative acts referred to in the comments on article 2. It should nevertheless be made clear that:

51. With regard to the right to work, article 2 of Decree Law No. 2200 of 1978 provides:

> "Work serves a social purpose and is an obligation and a right for all persons, who shall be free to be hired and to engage in the lawful employment of their choice.
>
> Discrimination, exclusions or preferences based on race, colour, sex, religion, political opinion, nationality or social origin are contrary to the principles of the labour laws. Consequently, no employer may make the hiring of workers subject to such conditions.
>
> It shall be the responsibility of the State to protect the right of workers freely to choose their employment and to monitor compliance with the rules governing the provision of services."

52. With regard to the right to education and vocational training, it should be pointed out that, in Chile, many persons belonging to minority ethnic groups such as the Mapuches have equal access to academic and technical occupations of all kinds.

53. It must be categorically stated that, in Chile, all persons have the right of equal access to all places and services intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks, without any distinction as to race, colour or nationality.

Article 6

(a) Remedies

54. In Chile, there is extensive legal and judicial protection against any violation of human rights and fundamental freedoms, whatever its origin and including racial discrimination. Any person whose rights have been violated may appeal directly to the courts by applying for ordinary or special remedies.

55. In this connection, reference should be made, even briefly, to the remedy of protection provided for in the Constitution for the specific purpose of safeguarding fundamental rights and ensuring constitutional guarantees. This remedy is provided for in article 20 of the Political Constitution and differs from the remedy of habeas corpus, which is provided for in article 21 and is intended for any individual who is arrested or detained in violation of the provisions of the Constitution and the laws.

56. The remedy of protection is very broad in scope, as may be seen from the wording of article 20:

> "Any person who, as a result of arbitrary or illegal acts or omissions, suffers any deprivation of, interference with or threat to the legitimate exercise of the rights and guarantees provided for in article 19 (Constitutional rights and guarantees) may have recourse in person or through a designated agent to the appropriate court of appeals, which shall immediately take the necessary measures to restore the rule of law and ensure due protection of the person concerned without prejudice to any other rights which he may claim before the appropriate authority or court".

57. As may be seen from the last phrase of the above-mentioned article, an application for a remedy of protection is compatible with other remedies which may be claimed before the appropriate authority or court. A person who has been subjected to racial discrimination may therefore:

(a) Apply for an ordinary remedy and then for a remedy of protection;

(b) Apply for both remedies at the same time;

(c) Apply for a remedy of protection and, subsequently, apply to have his case heard fully (lato conocimiento); or

(d) Apply only to have his case heard fully.

(b) Compensation

58. Like persons who suffer loss or injury, persons subjected to racial discrimination are entitled to request appropriate compensation. In accordance with the procedural rules, compensation may be sought either when criminal proceedings are instituted or separately by means of a civil suit to obtain reparation for damage suffered.

(c) Legal precedents

59. Because there is so little racial discrimination in Chile, there are no legal precedents with regard to the practice and specific decisions of judicial and administrative organs in cases of this kind.

Article 7

(a) Education

60. The Political Constitution of the Republic categorically states that "the objective of education is the full development of the individual at the various stages of his life" and that freedom of education is not subject to any restrictions other than those imposed by established moral standards, accepted customs, public order and national security. The values that education has to take into account and emphasize are the ones which are referred to in the general part of this report and which include the equality of individuals in dignity and rights and the supremacy of the essential rights originating in human nature.

61. It may be unhesitatingly stated that the national character, to which racism and discrimination are totally alien, is rooted in history and education. The main programmes, their content and the way in which they benefit the indigenous populations are described below.

Programme for curricula innovation

62. This programme is being implemented in primary schools in the light of the situation of the Mapuche students, their language, cultural values, and the environment in which they live for the purpose of promoting their full participation in the social, economic and cultural life of the country. It should be noted that curricula and teaching materials include elements to combat and eliminate misconceptions and prejudices and, in various sectors at all educational levels, there are courses highlighting the virtues of indigenous culture.

63. Curricula include information and courses on indigenous history, traditions, customs, culture, art and handicrafts and stress the need for broader knowledge of indigenous populations and the development of their cultural characteristics.

Student hostels

64. These hostels enable Mapuche students to pursue their studies on a regular basis in towns. In the Tenth Region, there are three such hostels in Temuco, Nueva Imperial and Carahue.

Scholarships

65. Through scholarships, financial assistance is given to Mapuche students as of grade 7 (primary school) who lack financial resources and demonstrate learning abilities. An annual average of 1,778 students at the primary, secondary and university levels, received scholarships from 1981 to 1985.

Material assistance

66. Mapuche students in rural primary schools (grades 1 to 6) who lack financial resources receive school supplies and teaching materials. The number of students benefiting from this programme rose from 1,000 in 1983 to 2,500 in 1985.

(b) Culture

67. In Chile, there are many institutions and corporations whose purpose is to develop national culture and traditions by promoting understanding and appreciation of Chilean values. In relation to the subject-matter of article 7, these institutions and corporations include the Indigenous Institute Foundation, which has legal personality under Justice Decree No. 293 of 23 January 1963 and whose purpose is to promote research, education and social welfare for the indigenous communities with a view to their advancement and economic and social development; and the Araucana Society, which was granted legal personality under Justice Decree No. 917 of 1 July 1981 and whose objective is to promote the preservation, protection, improvement,

study, knowledge, expression, dissemination and advancement of the Mapuche culture and, in particular, Mapuche history, traditions, language, sports and folklore. In this connection, mention may also be made of the efforts being made by the Pre-Colombian Museum of Chile to disseminate information on the indigenous cultures of Chile. Many bi-national institutes are also helping to create closer ties between different nationalities. It is a Chilean tradition to welcome any initiatives which are designed to create solidarity among peoples and eliminate any kind of discrimination.

(c) Information

68. Although Chile is a country without racial conflict, State and private communications media disseminate information relating to United Nations bodies and United Nations declarations in this regard.

69. It should be pointed out that under article 18 of Act No. 16,643 of 1967 on the misuse of publicity, it is a punishable offence to publish or broadcast any material inciting to hatred, hostility or contempt for individuals or communities on the grounds of race or religion.

70. Generally speaking, the mass media refer regularly to the importance of human rights in the context of United Nations bodies and documents.